

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200400390

February 25, 2004

PUBLIC NOTICE

MILITARY TRAFFIC MANAGEMENT COMMAND, MILITARY OCEAN TERMINAL, SUNNY POINT (MOTSU), SOUTHPORT, NORTH CAROLINA has applied for a Department of the Army (DA) permit TO TRANSPORT DREDGED MATERIAL THAT WILL BE EXCAVATED AT THEIR NAVIGATION FACILITIES, CAPE FEAR RIVER TO THE NEW WILMINGTON OCEAN DREDGED MATERIAL DISPOSAL SITE (ODMDS) LOCATED APPROXIMATELY 7 MILES SOUTH OF BALD HEAD ISLAND IN THE ATLANTIC OCEAN.

The following description of the work is taken from data provided by the applicant and from observations made during onsite inspections by representatives of the Corps of Engineers. Plans submitted with the application show that the work will involve maintenance dredging of the existing access channels, connecting channels, and basins at the MOTSU wharves as originally authorized under DA permit Action ID Number 199502844, and as modified under Action ID Number 199800432. The deepening authorized by the original permit has been completed, and the original permit expired on December 31, 2000. DA permit Action ID 200100436 authorizes maintenance dredging of the MOTSU navigation facilities and transport of dredged material for ocean disposal. The DA Permit 200100436 for maintenance dredging at the facilities will expire December 30, 2010. The sediments proposed for transportation and disposal have been evaluated pursuant to Section 103 of the Marine Protection Research and Sanctuaries Act and determined to be acceptable for ocean disposal. The United States Environmental Agency (USEPA) Region 4 concurred that the sediments were acceptable for ocean disposal by letter dated January 30, 2004. The USEPA letter stated that their concurrence is valid for a period of three years from the letter date.

The purpose of the work is to enable MOTSU to meet its mission requirements as a unique military port facility designed and constructed specifically for the safe, efficient transshipment of explosives, munitions, ordinance, and related material. While adjacent to and dependent on the Wilmington Harbor federal navigation channel project, MOTSU is a separately permitted Military Traffic Management Command facility. Annual dredging is necessary to maintain safe and adequate depth for vessels served by MOTSU. Plans showing work are included with this public notice.

This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-Owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 a-50-66).

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Division of Water Quality (NCDWQ) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of

the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

Based upon available information, the District Engineer is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

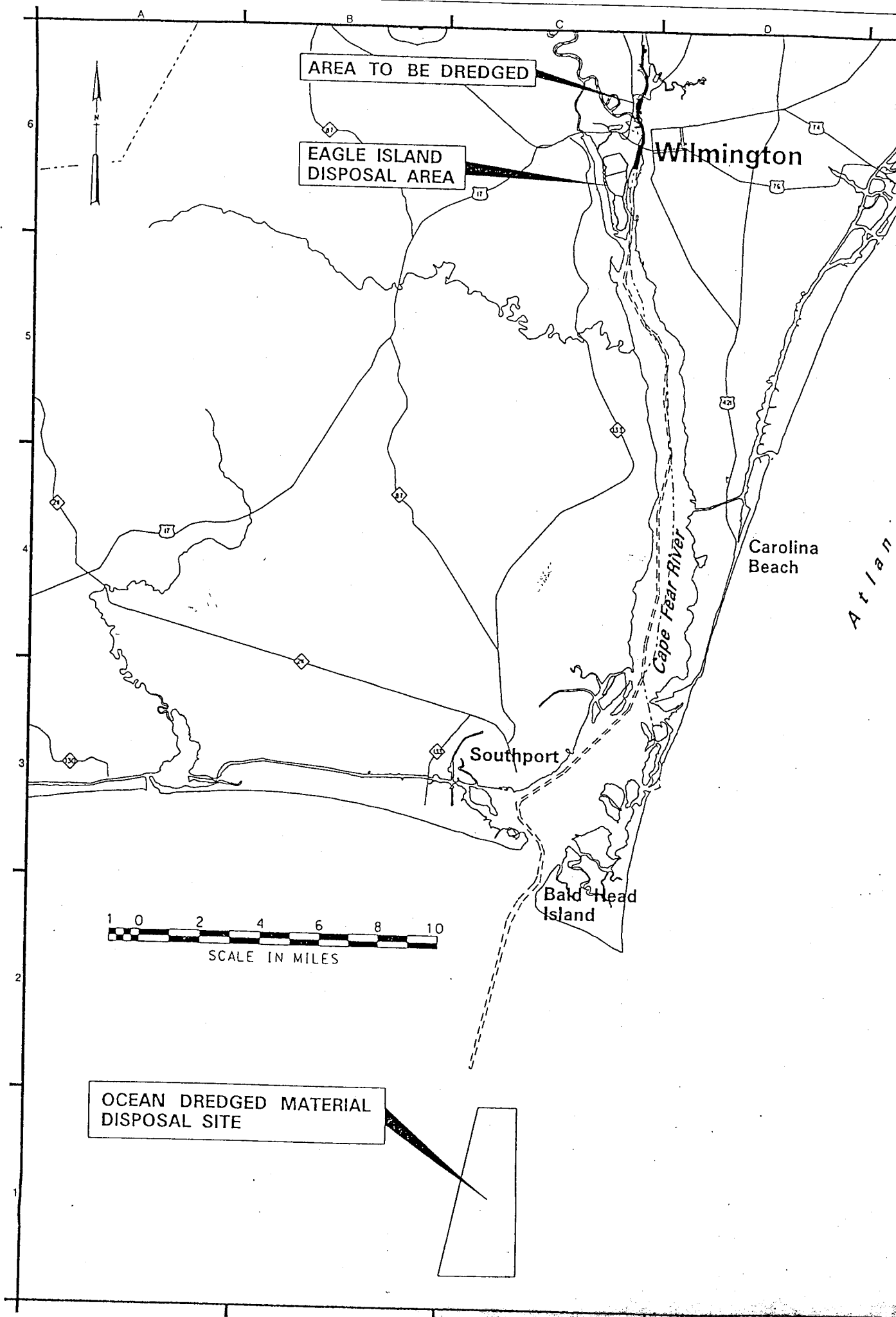
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed action would not adversely impact Essential Fish Habitat or associated fisheries managed by the South Atlantic or Mid-Atlantic Fishery Management Councils or the National Marine Fisheries Service (50 CFR Part 600).

This application is being considered pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended (33 U.S.C. 1413). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Request for the public hearing shall state, with particularity, the reasons for holding the public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments pertinent to the proposed work, as outlined above, will be received in the Wilmington Regulatory Field Office, Attn: Mr. Henry Wicker, Post Office Box 1890, Wilmington, North Carolina, 28402, until 4:15 p.m., March 16, 2004, or telephone (910) 251-4930.



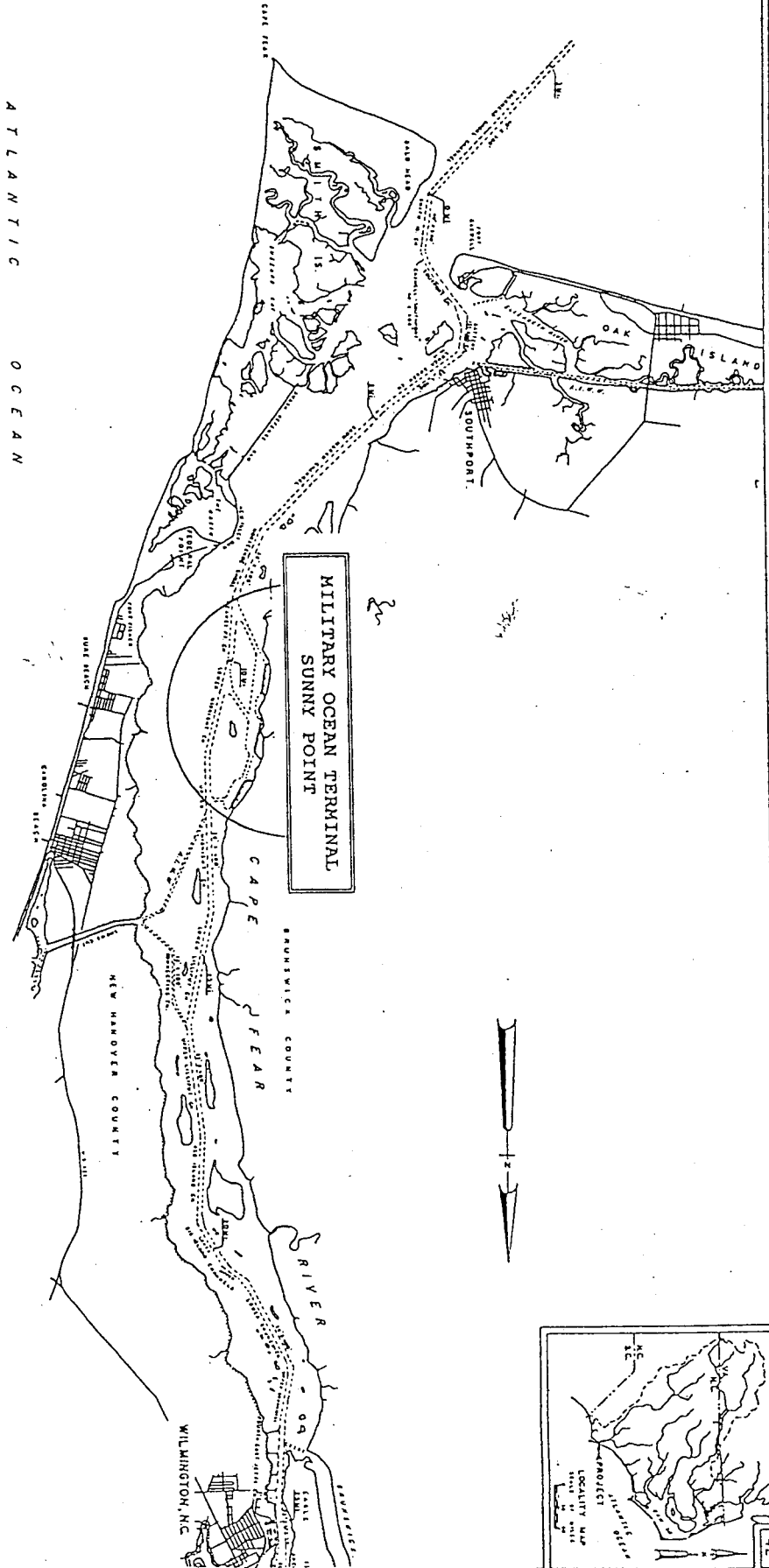


Figure 1. Project vicinity.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 30 2004

Mr. William C. Long, Chief
Planning and Environmental Branch
Wilmington District
U.S. Army Corps of Engineers
P.O. Box 1890
Wilmington, NC 28402-1890

Dear Mr. Long:

This letter is in response to your request of December 8, 2003, for our review and concurrence on the Section 103 Evaluation of the Military Ocean Terminal, Sunny Point (MOTSU) for suitability of the proposed project for ocean disposal of dredged material at the New Wilmington Ocean Dredged Material Disposal Site (ODMDS). This project utilized a comparison of recent chemical analyses with previous chemical characterizations along with their concurrent biological effects testing to determine that the material meets the criteria for ocean disposal.

We concur that the material meets the criteria for ocean disposal. This concurrence is valid for three years and conditional upon all disposal activities meeting any requirements as set forth by the Site Management and Monitoring Plan as prescribed in the Final Environmental Impact Statement for the New Wilmington ODMDS. In addition, given the advances made in testing since the previous biological tests referred to in this project, we should consider conducting new, confirmatory, biological tests during the next evaluation cycle.

If you have any questions please contact Mr. Gary W. Collins at 404/562-9395.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. C. Welborn".

Thomas C. Welborn, Chief
Wetlands, Coastal and Watersheds Branch